



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

APPROVED

Monday, September 23, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson. Selectman Allen Curseaden, and Selectman Corliss Lambert.

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00PM followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Rick Reault, Clerk.

2. Joint Meeting with Board of Health and Recycling Subcommittee

A. Solid Waste contract – discuss

The Board of Health members Steve Berthiaume, Christopher Mellen, (Steve and Chris are also Members of the Recycling subcommittee) and Tracie Looney. The Recycling Committee Members, Diana Koehane, and Rebecca Regan along with Christopher Mellen and Steve Bethiaume are meeting jointly with the Board of Selectmen, Mr. Terry Brady and Kurt Lavery, who are Representatives for Republic to discuss the solid waste removal and recycling contracts. The Administrator presented a summary of information that he was able to gather about the automated recycling collection; 1) Dracut: non-automated recycling; 2) Dedham: one free extra automated 96 gallon toter (by-weekly) for recycling; 3) Grafton: use of one automated 64 gallon toter only for recycling; and 4) Watertown: use of one automated toter only for recycling.

After a significant amount of discussion and negotiation, Republic has agreed to the following parameters for the new solid waste collection contract; 1) Cost: \$534,500 annually including fuel expenses for collections. This figure includes the cost of one 96 gallon recycling toter issued and collected for each service household. This cost increase from the proposed amount of \$503,000 for non-automated (current) single stream collection largely reflects the cost of the purchase of the toters, which the Town will own at the end of a proposed five year agreement. After months of discussion and research, the proposal above is the most financially and operationally advantageous proposal the Town can expect to receive for automated recycling. Finally, as there are modifications to be made to the existing contract for solid waste proposal with Covanta; those modifications extend the agreement through 2018 and adjust the tipping fee schedule. The modifications afford Covanta the right of first refusal to delivering organic matter to Covanta in the event that we were to conduct a special collection of such items.

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Mr. Grady answered the questions asked on the recycling needs. Mr. Grady was asked to provide additional information on the recycling rates with the automated pick up. In reviewing of the communities that have automated pick up they show that with a smaller toter there is not additional need for a second toter. The Board asking Republic to reconsider changing the charged levied against the pick-up of the additional toter in excess of the 100 second toter. The Board is asking Republic to meet the town half way. Asked if there would be notification send out to inform the public of the toters and Mr. Grady assured the Board that literature is given to every unit when the toters are delivered. The Board of Selectmen will continue the conversation on the limit on the number of toters given. The Chairman thanked Mr. Grady and Mr. Lavery for attending this evening to answer the questions the Boards had.

3. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday, September 9, 2013

Approval of Minutes deferred to Monday October 7, 2013 meeting.

B. Executive Session Meeting Minutes for Approval/Not Release

1. Monday, September 9, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve and not release the Executive Session of Monday August 26, 2013.

4. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Mrs. Patricia Pendergast of 51 Riverbend Road came forward to speak to the Selectmen about a complaint involving her neighbor's dog. The dog has attacked her dogs on two separate occasions; Mrs. Pendergast has spoken to the Administrator and has filled out the necessary paperwork requesting a hearing. Mrs. Pendergast submitted the paperwork to the Assistant Administrator. The Administrator will follow up with the Animal Control Officer asking for further information and ask what further interim steps to be taken to resolve the issue as quickly as possible. The Selectmen suggested that both parties, as reasonably possible, to keep the dogs separate from each other, so that no other instances happen.

5. New Business

A. Town Offices hours – discussion

The Administrator has reviewed the office hours of the varied offices at the town hall and has submitted the hours to the Board for review and comment. The Board reviewed and discussed the list. The Board feels that this is a good step for informing the public of the various office hours. The Selectmen asked about the availability of a cheat sheet; and the posting of the hours on the web; also have the Library's summer hours included. A brief discussion ensued regarding the sale of additional trash bags at the Library where they are open on two nights a week to better serve the public. Mr. Bethiaume is on the Library Trustees meeting agenda to present his request for the Library Personnel to sell the stickers/trash bags.

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B. Lakeview/Coburn Road intersection – review/approve agreement

The Administrator has solicited a proposal for traffic engineering services related to Lakeview at Coburn Road. Vanasse and Associates, Inc. has provided a proposal which is attached, and recommends the Board vote to authorize the use of Chapter 90 funding to conduct a review of the intersection.

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to authorize the use of Chapter 90 funding to conduct a review of the Lakeview Avenue at Coburn Road intersection, in the form of a contract with VAI for \$6,200. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to authorize the Town Administrator to sign and administer the contract.

C. Requests for Comment

1. Planning Board (31 Alden Street)

The Board has received, reviewed the request for comment form from the Planning Board and the Board agrees 5-0-0 with the no comment status. The request is for the construction for the independent living quarters at 31 Alden Street.

6. Old Business

A. Paramedic/Ambulance Agreements – approve

The Board is asked to extend the current contract with Trinity Ambulance to October 31, 2013 and to extend the current contract with Lowell General EMS to October 31, 2013.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to extend the current contract with Trinity Ambulance effective July 1, 2010 to expire on October 31, 2013, and to extend the current contract with Lowell General EMS (formerly Greater Lowell EMS) effective July 1 2009, to expire on October 31, 2013.

B. Town Buildings Master Plan – designate most qualified respondent

The Administrator solicited a Request for Qualifications (RFQ) for the Town Buildings Master Plan. Three responses were received. The Administrator and Assistant Town Administrator have conducted a review and following the rubric listed in the solicitation. The relative merits of each response were evaluated using the comparative criteria. The Administrator and Assistant are prepared to make a recommendation, but would like to confirm that the Board does not wish to conduct a review in some way or review the submissions prior to making a designation as to the most qualified respondent. The Board did confirm that they did not wish to conduct a review of the submissions. The Administrator recommends the Board to award a contract with DRA as they are the most qualified candidate.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to authorize the Town Administrator to enter in an agreement with Drummey Rosane Anderson Inc. (DRA) and to further authorize the Town Administrator to execute the agreement with Drummey Rosane Anderson Inc. (DRA) within the confines of the budgeted amount.

C. Free Cash Policy Subcommittee – Update

The sub-committee consist of Karyn Puleo, Selectman Chair; Rob Mullen, Finance Committee Member and Herb Desrosiers, School Committee Member, the members have met a couple of times and have looked at the town's financial status, and the use of free cash for the last 5 years. The sub-committee is looking at ways to fund town budgets using percentages and is working on formulating a policy. Selectman Lambert thanked the Chairman for the overview, nicely done, and

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asked what philosophies were used to start the deliberations on the use of free cash and would like to see an overview of the philosophies used to have a better understanding of how the committee arrived at their conclusion. Chairman Puleo thanked Selectman Lambert for his comment and brought forward great point, will give a brief highlight on the report. The sub-committee will meet again and should have a document to reference shortly.

7. Citizen/Business Time - No one came forward this evening.

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8. Correspondence

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A. Informational

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson for discussion to accept the correspondence. Selectman Jackson inquired about the notice to abutters from Dracut about the hearing they have advertised, in speaking with the Board Secretary, she informed us that the notification is a courtesy as we are an abutting community.

9. Review of Weekly Warrants

The Weekly Warrants read this week are as follows: Warrant #12B for \$25,916.79 on 9/16/2013; Warrant #11P for \$798,654.10 on 9.05/2013; Warrant #13B for \$821,112.48 on 0/23/2013; Warrant #13S for \$129,929.05 on 9/23/2013; Warrant #13P for \$899,912.53 on 9/23/2013.

10. Town Administrator's Report - No report this evening

Assistant Town Administrator - Update on Independence, Ridge and Trinity

The Assistant Town Administrator updated the Board on the current status of the upcoming list of streets to be accepted. Through the assistance of the Planning Board's staff and consulting engineer and the Senior Working Forman of the Highway Department, we have been reviewing and sorting through our unaccepted streets for the past several weeks. We have sorted streets into groups to address research efficiently and have found that for almost 50% of the unaccepted streets we anticipate that we will find proposed subdivision plans which show the street's layout in its entirety, or a majority, which will allow the Town either bring the street forward to the Board for the initial stages of acceptance or complete the plans through the assistance of a consulting firm's survey to the Board. The balance of streets will fall into categories which may either be private streets; paper roads; or may need review of our Clerk's office records of Annual Town Meetings. The review of the Clerk's records has begun and we hope to identify streets that were accepted prior to the Subdivision Control Law which went into effect in 1955.

Thank you to everyone who assisted in notifying the residents of the three streets that are under construction; everything was done to warn everyone, the use of the media, the code red and also notifications were left on individual doors; the reconstruction and paving will start at 7:30AM on Tuesday September 24, 2013.

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11. Selectmen's Reports

Selectman Jackson thanked the Town Administrator and everyone involved with the street acceptance process.

12. Executive Session

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

to exit executive session to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Curseaden, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 7:55PM.

13. Adjournment

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 9:25PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday October 21, 2013

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Correspondence - Monday September 23, 2013

[illegible]



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- A. Solid Waste contract - discuss

3. Meeting Minutes

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5. New Business

- A. Town Offices hours – discussion
- B. Lakeview/Coburn Road intersection – review/approve agreement
- C. Requests for Comment
 - 1. Planning Board (31 Alden Street)

6. Old Business

- A. Paramedic/Ambulance Agreements – approve
- B. Town Buildings Master Plan – designate most qualified respondent
- C. Free Cash Policy Subcommittee - Update

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9. Review of Weekly Warrants

10. Town Administrator's Report

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Selectmen's Reports

12. Executive Session

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

13. Adjournment

Future Meetings

Monday, October 7th, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

Monday, October 21st, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

